

REMARKS/ARGUMENTS

The Office Action mailed August 1, 2006, has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

In the Office Action mailed August 1, 2006, claims 1-3, 5-10 and 15-18 stand rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable.

No claims are added. Claims 1, 8 and 15 are amended. As such, claims 1-3, 5-10, and 15-18 remain pending.

CLAIM REJECTION – 35 U.S.C. § 103(a)

In the Office Action, Claims 1-3, 5-10 and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,062,846 to Oh, et al in view of U.S. Patent 5,160,339 to Chen, et al.

With respect to all pending claims and the surgical clips claimed therein, the Office Action admits that “Oh is silent with regards to the clip comprising complementary parts of an interlock mechanism formed along a portion of the vessel clamping inner surface of each of the first and second leg members; and wherein the interlock mechanism includes a ridge portion and a groove portion that are aligned when the clip is in the closed position.” The Office Action further notes that Chen teaches a surgical clip wherein an “interlock mechanism includes a ridge portion 46 and a groove portion 45; wherein the ridge and groove portions are aligned in the closed position; and wherein the ridge and groove share a common plane of symmetry, a

centerline of the protruding ridge being aligned with a centerline of the groove (Fig. 3).” The Examiner asserts that the Oh/Chen combination teaches all the limitations of Applicant’s claims. However, Applicant submits that the amended claims 1, 8 and 15 now fully capture Applicant’s nonobvious improvements over the prior art and therefore, are patentable.

The prior art references once combined must teach or suggest all the limitations of the claimed combination. MPEP § 2143. Applicant asserts that the claimed interlock mechanism provides a novel clamping arrangement whereby longitudinal movement of the clip in relation to the vessel is impeded. The Oh/Chen combination does not teach Applicant’s improved surgical clip having such an interlock mechanism.

With regard to amended Claim 1, a surgical clip is claimed having “an interlock mechanism formed along a portion of the vessel clamping inner surface of each of the first and second leg members, the complementary parts cooperating when the clip is in the closed position to capture a vessel and impede longitudinal movement of the clip in relation to the vessel, wherein the vessel clamping inner surface of at least one of the first and second leg members is angular.” The interlocking arrangement of the ‘recessed pocket or groove 136’ and ‘raised lip or groove 136’ in the present invention can be clearly seen from FIG. 5 of the present invention. In FIG. 5, the surfaces of both the ridge and groove are angular. They are not an entirely smooth, rounded or curved surface, as in Chen. As can be clearly discerned from FIG. 1, both the ridge 134 and groove 136 are made up of a number of smaller surfaces which are angled with respect to each other, as opposed to the smooth single-curve surface in Chen. This creates the tongue and groove interlocking mechanism which provides the superior vessel occlusion and performance of Applicant’s invention. Thus, this clamp, having at least one angular surface, provides improved occlusion of the vessel, further impeding longitudinal movement of the clip in

relation to the vessel. Since the Oh/Chen combination does not teach the claimed subject matter, a finding of obviousness should not apply, and thus, the rejection with respect to said claim should be withdrawn.

With respect to amended claims 8, a surgical clip is claimed having “a ridge portion formed along and discontinuously protruding from a continuous portion of the vessel clamping inner surface of one of the first and second leg members and a groove portion formed along and discontinuously recessed from a continuous portion of the vessel clamping inner surface of the other of the first and second leg members, the ridge and groove portions being aligned in opposition to each other and cooperating when the clip is in the closed position to capture a vessel and impede longitudinal movement of the clip in relation to the vessel.” Similarly, in amended claim 15, a surgical clip is claimed having “a discontinuously protruding ridge formed along a continuous portion of the inner surface of one of the first and second legs; and a discontinuously recessed groove formed along a continuous portion of the other one of the first and second legs, the groove on one leg being in opposition to the protruding ridge on the other leg such that the ridge fits within the groove when the clip is in the closed position.”

The interlocking arrangement of the ‘recessed pocket or groove 136’ and ‘raised lip or groove 136’ in the present invention can be clearly seen in FIGS. 1-3 of the present invention. Amended claims 8 and 15 claim a ridge or tongue that “discontinuously protrudes,” i.e. extends beyond the surface at an angle, from the inner surface of one of the first and second leg members, the rest of which has an otherwise continuous, smooth surface adjacent to said ridge portion; and a groove that is discontinuously recessed within the inner surface of the other first and second leg member, which is also otherwise continuous. Chen teaches “a clamping inner surface 46 which has a convex radius of curvature extending transversely and uniformly across the

width of the first leg member 40.” The Oh/Chen combination does not teach the discontinuous protrusion of the tongue and the discontinuous recession of the groove claimed in Applicant’s invention. Thus, a finding of obviousness should not apply, and the rejection with respect to said claim should be withdrawn.

Therefore, amended claims 1, 8, and 15 are believed to be allowable and Applicants respectfully request that the rejection with regard to said claims be withdrawn. Dependent claims 2-3, 5-7, 9-10, and 16-18 each depend, directly or indirectly, from one or another of independent claims 1, 8, and 15. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. Furthermore, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Since the independent claims are believed to be nonobvious and therefore patentable, their dependent claims are therefore believed to be patentable. Therefore, applicants also respectfully request that the rejection with regard to claims 2-3, 5-7, 9-10, and 16-18 be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Docket No. 59474.21700
Application No. 10/763,439
Customer No. 30734

Patent

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 59474.21700.

Respectfully submitted,

BAKER & HOSTETLER LLP



Bukola Aina
Reg. No. 56,153

Date: November 1, 2006
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1744
Facsimile: 202-861-1783